

EXHIBIT 263

UNDER PROTECTIVE ORDER

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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THE STATE OF TEXAS, et)
al.,)
)
Plaintiffs,)
) Civil Action No:
v.) 4:20-CV-957-SDJ
)
GOOGLE LLC,)
)
Defendant.)
_____)

VIDEO RECORDED REMOTE 30(b)(6) DEPOSITION OF
THE STATE OF UTAH
BY MARIE MARTIN

Taken via Zoom
On Tuesday, April 30, 2024
At 2:48 p.m.

Job No. CS6671888
Reported by: Emily A. Gibb, RPR, CSR, CCR
CA CSR #14551, NV CCR #709

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1 BY MS. KAPLIN:

2 Q. Has the State of Utah conducted any
3 investigation to determine what sort of harms the
4 State of Utah has experienced as a result of Google's
5 alleged conduct?

6 A. The State of Utah is part of a multistate
7 investigation, and it has been a part of that
8 investigation for several years now. The State of
9 Utah has also -- has conducted responses to discovery
10 in this matter. That's my answer.

11 Q. So any investigation conducted by the State
12 of Utah into the harms that the State has experienced
13 was -- was done as part of the multistate
14 investigation to Google that occurred before this
15 suit was filed?

16 A. The State of Utah has been part of the
17 multistate investigation, and thus -- and that is the
18 basis for any investigation that was conducted by
19 Utah.

20 Q. Did that investigation include an
21 investigation into the harms experienced by the State
22 of Utah specifically?

23 A. The State of Utah has no reason to believe
24 that it is in any way different from harms that are
25 nationwide that result from Google's monopolization

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1 in these markets.

2 Q. What have you done to confirm that belief?

3 MR. RYHER: Objection to -- you're --
4 you're wandering into some privileged work product.

5 MS. KAPLIN: I'm asking about the
6 investigation conducted and which had to have been
7 produced to Google as part of discovery in this
8 action.

9 MR. RYHER: All right.

10 Well, if you can answer without divulging
11 work product, go ahead, Marie.

12 THE WITNESS: What have I done to respond to
13 your question just now?

14 BY MS. KAPLIN:

15 Q. No. What has the state done -- so you
16 previously testified that the State of Utah has no
17 reason to believe that it is in any way different
18 from harms that are nationwide that resulted from
19 Google's monopolization in these markets.

20 A. Yes.

21 Q. And my question to you is: What has the
22 State of Utah done to confirm that belief?

23 A. The State of Utah confirms this belief
24 through being part of the multistate investigation
25 and litigation in this matter.

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1 Q. Right. And I previously asked whether the
2 investigation conducted by the State of Utah
3 investigated -- sorry. Let me strike that and
4 restart.

5 I previously asked whether the multistate
6 investigation that Utah was a part of included an
7 investigation into the harms experienced by the State
8 of Utah specifically. In response to that, you said
9 Utah has no reason to believe that it's any
10 different. And I asked what you've -- what the State
11 of Utah has done to confirm that belief.

12 And I think your response is then going full
13 circle back to being part of the investigation. So I
14 wanted to just ask as whether part of the
15 investigation the State of Utah did anything to
16 confirm that -- what and to what extent it was harmed
17 by Google's alleged conduct?

18 A. To confirm that we are any different from
19 other states, I think -- or from nationwide conduct
20 would be trying to prove a negative. What have we
21 done? We've been part of the multistate
22 investigation. We have citizens who we know were
23 harmed by this conduct, and we have no reason to
24 believe that we're any different from other -- that
25 Utah consumers, advertisers and publishers are any

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1 different from other states or from nationwide
2 conduct in this matter.

3 Q. Can you identify the citizens you just
4 referred to who you know were harmed by this conduct?

5 A. I can identify at least some who were
6 consumers of Google advertising or Google -- I'm
7 sorry, of Google's, who were harmed by the conduct.

8 Now, firstly, all consumers in the state of
9 Utah, all 3.3 million, or at least that part of those
10 who are Internet users, which is greater than
11 90 percent, would be harmed by Google's conduct
12 because that's harm which accrues to the general
13 welfare and economy of the state.

14 Next, as -- as to specific consumers of
15 Google's products, the two consumers who you saw in
16 the deposition previously, Melanie Hall's deposition,
17 were indirect purchasers of Google -- Google's
18 products.

19 Another consumer of Google's products, like
20 if you want to name certain persons, is DCP itself.
21 As you know from looking at -- from watching -- I'm
22 sorry, from deposing Ms. Hall extensively about DCP's
23 purchases, they are also a consumer of Google's
24 products, they are an advertiser.

25 Other advertisers in the state of Utah that

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1 I can name are Penna Powers.

2 You want me to talk about publishers?

3 Q. I was actually focusing on individual
4 citizens, so real persons.

5 A. The two consumers that were discussed during
6 Melanie Hall's deposition are two specific persons.
7 Additionally, all persons in the state of Utah who
8 have any exposure to the Internet have a harm that's
9 associated with Google's conduct.

10 Q. What have you done to determine that all
11 users of the Internet in the state of Utah have
12 been -- have had exposure to harm associated with
13 Google's conduct?

14 A. In order -- so all -- I may have misspoke.
15 All consumers in the state of Utah are harmed by
16 Google's conduct because they are part of the class
17 of persons who are part of the -- they're affected by
18 Google's harms to the general welfare and economy of
19 the state.

20 What have I done? I found information from
21 the US Census Bureau which told us how many Utah
22 consumers there are. They're a percentage that are
23 exposed to the Internet as well as Utah being a part
24 of the multistate investigation and litigation in
25 this matter.

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1 Q. You've mentioned a couple times harm to the
2 general welfare and economy of the State of Utah.

3 Can you tell me what that means?

4 A. I'm not an expert. I only have 12 credits
5 towards a master of science -- 15 in a couple of
6 days -- in applied economics. I am not an expert at
7 all in this field. We would leave that to expert
8 testimony.

9 In terms of harms to the general welfare and
10 economy of the state, I would refer you to the
11 responses to Interrogatories No. 4 and 5, which list
12 out harms which accrue to the entire nation, to
13 consumers in that nation, advertise -- and as well as
14 advertisers and publishers that result from Google's
15 conduct.

16 I can specify further, if you like.

17 Q. How widespread is the harm to the State of
18 Utah?

19 A. It is ubiquitous throughout the state.

20 Q. And to measure that harm, what have you
21 done?

22 A. I have determined the number of consumers in
23 the state and the number of businesses in the state,
24 as well as Utah being a part of the multistate
25 investigation and litigation.

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REPORTER'S CERTIFICATE

STATE OF UTAH)

)

COUNTY OF UTAH)

I, EMILY A. GIBB, a Certified Shorthand Reporter and Registered Professional Reporter, hereby certify:

THAT I reported the taking of the deposition of MARIE MARTIN, commencing on April 30, 2024, at 2:48 p.m.

THAT prior to being examined, the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am in no way related to any of the parties, nor I am I financially interested in the outcome of the case.

() Review and signature was requested.

() Review and signature was waived.

() Review and signature was not requested.

IN WITNESS THEREOF, I have subscribed my name on this 1st day of May, 2024.



Emily A. Gibb, RPR, CSR, CCR